

U.S. Application No. 09/660,240
Docket No. 0879-0274P
DUE: December 7, 2003
Art Unit: 2626
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REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-6 remain pending.

INTERVIEW CONDUCTED

Applicant thanks the Examiner for conducting an interview with Applicant's representative on November 21, 2003.

§ 103 REJECTION – WATANABE, JP 08184752

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanabe et al. (US Publication No. 2003/0115277, hereinafter "Watanabe") in view of Japanese Publication 08184752.

As demonstrated and agreed upon during the interview conducted November 21, 2003, Watanabe cannot be relied upon to teach or suggest at least the data amount determining device, the transmittability determining device, and the control device as claimed in independent claim 1. Further as agreed, there is no motivation to combine the references.

Therefore, independent claim 1 is distinguishable over the combination of Watanabe and Japanese Publication 08184752. Claims 2-6 depend from

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independent claim 1 directly or indirectly. Therefore, these dependent claims are also distinguishable over the combination of Watanabe and Japanese Publication 08184752.

Applicant respectfully request that the rejection of claims 1-6 based on the combination of Watanabe and Japanese Publication 08184752 be withdrawn.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

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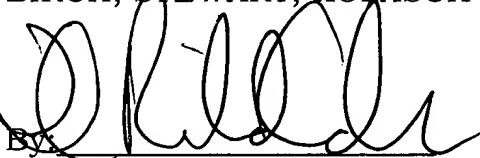
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Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH &, BIRCH, LLP

A handwritten signature in black ink, appearing to read "D. Rick Anderson", written over a horizontal line.

By: D. Rick Anderson,
Reg. No. 40,439

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